

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

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|----------------------------|---|------------------------------------|
| MICHAEL MARTIN, | : | Case No. 3:15-cv-131 |
| | : | |
| Plaintiff, | : | Judge Thomas M. Rose |
| | : | Magistrate Judge Michael J. Newman |
| v. | : | |
| | : | |
| CAROLYN W. COLVIN, | : | |
| Commissioner of the Social | : | |
| Security Administration, | : | |
| | : | |
| Defendant. | : | |

DECISION AND ENTRY

This is an action under 42 U.S.C. § 405(g) for review of the decision of the Commissioner of the Social Security Administration (“Commissioner”) denying Plaintiff Michael Martin’s application for Disability Insurance Benefits and Supplemental Security Income. On August 2, 2016, Magistrate Judge Michael J. Newman entered a Report and Recommendation (Doc. 11), which recommended that the Court reverse the Commissioner’s non-disability finding and remand the matter to the Social Security Administration for the payment of benefits. On August 19, 2016, the Commissioner filed Objections (Doc. 12) to the Report and Recommendation. On September 2, 2016, Plaintiff filed a Response (Doc. 13) to the Commissioner’s Objections. This matter is therefore ripe for the Court’s review.

As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has made a *de novo* review of the record in this case. Upon said review, the Court finds that the Commissioner’s Objections to the Report and Recommendation are **OVERRULED**. The Court **ADOPTS** the Report and Recommendation (Doc. 11) in its entirety. Accordingly, the Court rules as follows:

1. The Commissioner’s non-disability determination is found unsupported by substantial evidence and **REVERSED**;

2. This matter is **REMANDED** to the Commissioner under Sentence Four of 42 U.S.C. § 405(g) for an immediate award of benefits; and
3. The Clerk is **ORDERED** to terminate this case on the Court's docket.

DONE and **ORDERED** in Dayton, Ohio, this Tuesday, September 13, 2016.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE